

# IDAHO ASSOCIATION OF DISTRICT BOARDS OF HEALTH

## Executive Council Conference Call Minutes

Wednesday, January 29, 2020

4:00 p.m. MST/3:00 p.m. PST

### Executive Council

Glen Bailey, District 1  
Doug Zenner, District 2  
Tom Dale, District 3  
Elt Hasbrouck, District 4  
Bob Kunau, District 5  
Ken Estep, District 6  
Bill Leake, District 7

### District Directors

Lora Whalen  
Carol Moehrl  
Nikki Zogg  
Russ Duke  
Melody Boyer  
Maggie Mann  
Geri Rackow

Guest: Kelli Brassfield, IAC

1. Call To Order & Roll Call..... Ken Estep  
The meeting was called to order by Ken Estep at 4:01 p.m. MST.
2. Additional Agenda Items..... Ken Estep  
No additional agenda items were named.
3. Approval of January 16, 2020 Conference Call Minutes ..... Ken Estep  
**Motion by Elt Hasbrouck, 2<sup>nd</sup> by Glen Bailey to approve the 01/16/2020 conference call minutes. No discussion; motion passed all in favor.**
4. Legislative Update.....Kelli Brassfield
  - Kelli shared that the Rules process still a significant topic of debate in the legislature.
  - HB 312; failed on floor on 1/28/2020; too much government overreach, in particular the seatbelt/child safety seat which is addressed in statute elsewhere. By bill not going forward, IDHW is in jeopardy of losing federal funding for child care licensing; bill will probably come back in a revised version.
  - HB342; telehealth, Rep. Blanksma; clarifies services patients may receive via telehealth; patients' homes may be a site that is considered an "originating" site.
  - HB340; was in H & W yesterday, sent to General Orders; adds "temporary drug and alcohol treatment facilities for adolescents" and exempts them from licensing. Intent is

to expand access to treatment for adolescents. Kelli is uncertain what changes may be incorporated.

- SB1240; provides RNs with the ability/authority to sign certain documents, rather than a provider having to do so. E.g., disabled parking permits, disabled hunting permits, school athletic physicals. Went to floor with due pass recommendation
- SB1241; removes hemp (.3% or less THC) from the scheduled controlled substance list. Still needs a full hearing.
- Most rules are being approved with minimum controversy.
- Tom Dale asked about a property tax bill that is being introduced by Rep. Mike Moyle; it had been scheduled to be heard yesterday but was postponed. Kelli did not know the status of Rep. Moyle's bill, and stated Rep. Harris' bill was passed out of committee and IAC is supporting it. IAC's Legislative Committee is working on additional language for the bill. These ideas will be put forth to the IAC body next week. Progress needs to be made in order to avoid an Interim Committee to address property tax issues.

5. Director Pay.....Bill Leake  
Bill Leake shared that he sent out an update to the paper on Director pay he has been working on. He has included information that District 4 provided re: director pay at a number of other public health organizations in the western United States. Ken suggested including years with the public health district as well as years in the Director position. Doug Zenner suggested also including their starting pay when they were first hired as the Director. Elt requested a history of percentage increases for each year. Tom voiced support for these additions. Bill requested the Directors to get that information to him; he will put it together in a separate document for the 2/5/2020 meeting.

Doug asked for clarification on the email sent out by Maggie Mann that cited IDAPA 15.04.01.008, which states that DHR rules apply to Public Health Districts. The group agreed it did not clarify the issue of responsibility for setting Director pay.

Russ Duke stated that we have 40 years of history that the authority to set Director pay resided with the Boards of Health. However, Susan Buxton (DHR Director) has interpreted the rules differently. Russ does not believe the Boards of Health will have the ability to change Director pay, because it has to go through the state system (i.e., DHR and DFM) for approval. Tom asked if the purpose of this exercise is to reaffirm the traditional interpretation that the Boards of Health are responsible, then we most likely need our own legal opinion. Elt stated we have reached a wall where we may not go any further; he asked if the group wants to think about legislation to get the situation changed regarding who is responsible for setting Director pay. Doug asked about Rep. Blanksma having a conversation with Susan Buxton and Alex Adams. Elt has not heard if that conversation occurred or what the outcome might have been. Bill stated he liked the idea of seeking an opinion from an additional attorney, to see if reflects the same interpretation as Ms Buxton's. Elt asked if Mike Kane was the appropriate choice; Tom

and Ken stated that would be ok. Glen stated that our argument is that we are not subject to the state; in practice we have been independent, so we need to utilize a PHD attorney. Glen stated he could support making this request of Mr. Kane. Doug asked about compensation for Mr. Kane; will it be out of IAB budget? The group will need to know what his hourly rate is. Glen stated that we may want to set a cap on how far we want to pursue this. Bill suggested the districts agree that we split the cost equally among the seven PHDs. Tom stated that seemed fair; Nikki stated that she believes Mr. Kane's rate is under \$200/hour; Russ stated it is around \$165. Elt suggested this is a good agenda item for the 2/5/2020 meeting. Carol Moehrle will bring the IAB budget to the meeting to assist with decision making.

**Motion by Doug Zenner, 2nd by Tom Dale to adjourn. No discussion; motion passed all in favor. Meeting adjourned at 4:34 p.m. MST.**

*Next meeting: 2/5/2020 (Wednesday) in person meeting @ 330 p.m. @ IAC (Teleconference needed for Glen) in the Riverside Board Room.*